



WEB COPY



W.A.No.710 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2024

CORAM

THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

W.A.No.710 of 2022

N.Thangarasu

... Appellant

Vs.

1. The Government of Tamil Nadu,
Rep. by Secretary to Government,
Revenue Department,
Fort St. George,
Chennai.
2. The District Collector,
Tiruvarur.
3. The Director of Revenue Administration,
Chennai-600 005.
4. The Tahsildar,
Taluk Office,
Nannilarm, Tiruvarur District.

... Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent praying to set aside the order dated 04.03.2022 of this Hon'ble Court made in WP.No.4743 of 2022 and also the order of rejection dated 07.01.2021 by allowing this



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appeal and directing the respondents to grant all monetary benefits on including the service rendered from 17.01.1989 to 22.11.2001 in regularized service.

For Appellant : Mrs.T.Aananthi

For Respondents : Mrs.V.Yamuna Devi
Special Government Pleader for R1 to R4

J U D G M E N T

[Judgment of the Court was delivered by **S.M.SUBRAMANIAM, J.**]

The writ petitioner is the appellant before us. The appellant was appointed as Night Watchman in the office of the Tahsildar on 09.01.1989 and his services are regularized with effect from 23.11.2001 and retired from service on attaining superannuation on 30.04.2019. The appellant claimed that he is entitled to be regularized from the initial date of his appointment in the post of Night Watchman on temporary basis. However, the respondents have not considered the claim of the petitioner and consequently, writ petition was filed. The Writ Court considered the fact that the appellant was appointed as Night Watchman on daily wage basis and his services were regularized by the Government in G.O.Ms.No.523 dated 23.11.2001. In the Government Order in G.O.Ms.No.523, the rules relating to recruitment was



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relaxed in favour of the appellant. Relying on the judgment of the Hon'ble Supreme Court of India in the case of ***Secretary to Government, School Education Department, Chennai Vs. R.Govindasamy*** reported in **(2014) 4 SCC 769**, the Writ Court declined to grant the relief of retrospective regularization from the date of initial appointment.

2. The issues regarding regularization and permanent absorption are no more *res integra*.

3. The Constitutional Bench of the Hon'ble Supreme Court of India in the case of ***State of Karnataka v. Umadevi and others***, reported in **(2006) 4 SCC 1** reiterated the principles relating to regularisation. In the present case, the benefit of regularisation and permanent absorption granted to the appellant itself is a concession. Therefore, the said concession cannot be extended for the purpose of granting retrospective regularisation from the date of initial appointment. Since the services of the appellant was regularised by the Government by extending the concession, the Writ Court has rightly rejected the claim of the appellant for retrospective regularisation. Thus, we do not find any infirmity in the order passed by the Writ Court.



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S.M.SUBRAMANIAM, J.
and
C.KUMARAPPAN, J.

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4. Accordingly, this Writ Appeal stands dismissed. No costs.

[S.M.S., J.] [C.K., J.]
02.08.2024

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Index : Yes

Speaking order : Yes

Neutral Citation : Yes/No

To

1. The Secretary to Government,
Government of Tamil Nadu,
Revenue Department,
Fort St. George, Chennai.
2. The District Collector,
Tiruvarur.
3. The Director of Revenue Administration,
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